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EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

### Office Action Summary

**Application No.**

09/785,967

**Applicant(s)**

LAPIDOUS, EUGENE

**Examiner**

Ashok B. Patel

**Art Unit**

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-3 and 6-30 are subject to examination.

***Response to Arguments***

2. Claim 10 now amended and presented as "(original)". Applicant is reminded of the proper format of amendments in accordance with MPEP § 714(II).

3. Applicant's arguments filed July 16, 2004 have been fully considered but they are not persuasive for the following reasons: The responses to arguments provided below are intended to merely enhance the teachings of the reference Tso.

**Referring to claims 1, 24 and 28,**

In response to Applicant's arguments that "Thus, Tso does not teach or suggest at least the features of the present invention that are included in the following language of claim 1:

detecting that a user has activated a cursor control device while a cursor is inside a selectable area associated with a file reference;

displaying a list of one or more selectable data exchange modes in the vicinity of the cursor, while the cursor control device is activated;

detecting that the user has deactivated the cursor control device after placing the cursor over a data exchange mode selected by the user from the list;  
and

Art Unit: 2154

issuing a request to retrieve data associated with the file reference in accordance with the selected data exchange mode.”, the reference teaches when user is using a browser, “The embedded instructions transmitted to network client 12 may enable the user to manipulate some of the transcoding capabilities of transcoding server 34. As illustrated in FIG. 4, the embedded instructions may drive a user interface in the form of a pop-up window 40 that is displayed at the top of a browser window 38.” (Fig.4, element 40, Fig.3, elements 12 and 32, col.11, lines 4-9)(detecting that a user has activated a cursor control device while a cursor is inside a selectable area associated with a file reference;). The reference also teaches “Pop-up window 40 includes a three-state switch 42 having "ON," "OFF" and "AUTO" settings, and may also include a hypertext link 44 which the user may follow to download specialized client software supporting, for example, more sophisticated transcoding functionality (i.e., become "enabled").”(col.11, lines 9-14)(displaying a list of one or more selectable data exchange modes in the vicinity of the cursor, while the cursor control device is activated; detecting that the user has deactivated the cursor control device after placing the cursor over a data exchange mode selected by the user from the list; and). As a continuation of the same process, the reference teaches “the transcoder 20 may be implemented, for example, as a software module installed in a network proxy, in a client device, in a network server device, or in a content server device. In one particular implementation, illustrated in FIG. 3, transcoder 20 is installed in a remote transcoding server 34 arranged between network client 12 and Internet 18. Transcoding server 34 may

Art Unit: 2154

comprise, or be a part of, a network server, a stand-alone computer in communication with a network server, or a distributed system of computers. Remote transcoding server 34 may be coupled, for example, to an ISP's network, a corporate network, or anywhere on Internet 18, and may provide multiple users (i.e., clients) with a means to obtain content on Internet 18.”(col.3, lines 18-30) (issuing a request to retrieve data associated with the file reference in accordance with the selected data exchange mode.)

**Referring to claim 17, 26 and 29,**

In response to Applicant's arguments that “Accordingly, Tso does not teach or suggest the features included in the following language of claim 17:

receiving an indication of a data exchange mode chosen by a user for a desired file reference;

determining, based on the data exchange mode, whether data associated with the desired file reference should be retrieved directly from a destination network server storing the data; and

if the data should be retrieved directly from the destination server, issuing a data request to the destination network server without sending the data request to a proxy; and

if the data should not be retrieved directly from the destination server, directing a request for data to a proxy for a modification in accordance with the data exchange mode.”

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Similar language is included in independent claims 26 and 29. Thus, claims 17, 26 and 29, and their corresponding dependent claims, are not anticipated by Tso.", the reference teaches "The transcoder 20 may be implemented, for example, as a software module installed in a network proxy, in a client device, in a network server device, or in a content server device. In one particular implementation, illustrated in FIG. 3, transcoder 20 is installed in a remote transcoding server 34 arranged between network client 12 and Internet 18. Transcoding server 34 may comprise, or be a part of, a network server, a stand-alone computer in communication with a network server, or a distributed system of computers. Remote transcoding server 34 may be coupled, for example, to an ISP's network, a corporate network, or anywhere on Internet 18, and may provide multiple users (i.e., clients) with a means to obtain content on Internet 18."(col.3, lines 18-30). Thus the reference teaches that implementation of the transcoder dictates whether the proxy is needed or not, such as in case of it's implementation in a corporate internal network. (if the data should be retrieved directly from the destination server, issuing a data request to the destination network server without sending the data request to a proxy; and). The reference also teaches:

receiving an indication of a data exchange mode chosen by a user for a desired file reference; (Fig.3, elements 12 and 32, col.3, lines 8-17)

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determining, based on the data exchange mode, whether data associated with the desired file reference should be retrieved directly from a destination network server storing the data; and(Fig.5, col. 13, lines 36-46)

if the data should not be retrieved directly from the destination server, directing a request for data to a proxy for a modification in accordance with the data exchange mode.” (Fig.5, col. 13, lines 46-54, col. 15, lines 29-49).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, and 6-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Tso et al. (hereinafter Tso)(US 6, 421, 733)

**Referring to claim 1,**

The reference Tso teaches method for retrieving documents in a computer network (Abstract, lines 1-4), the method comprising:

detecting that a user has activated a cursor control device while a cursor is inside a selectable area associated with a file reference; (The reference teaches when user is using a browser, “The embedded instructions transmitted to network client 12 may enable the user to manipulate some of the transcoding capabilities of transcoding server 34. As illustrated in FIG. 4, the embedded instructions may drive a user interface in the form of a pop-up window 40 that is displayed at the top of a browser window 38.” (Fig.4, element 40, Fig.3, elements 12 and 32, col.11, lines 4-9).

Art Unit: 2154

displaying a list of one or more selectable data exchange modes in the vicinity of the cursor, while the cursor control device is activated; detecting that the user has deactivated the cursor control device after placing the cursor over a data exchange mode selected by the user from the list; and (The reference also teaches "Pop-up window 40 includes a three-state switch 42 having "ON," "OFF" and "AUTO" settings, and may also include a hypertext link 44 which the user may follow to download specialized client software supporting, for example, more sophisticated transcoding functionality (i.e., become "enabled")."(col.11, lines 9-14)

issuing a request to retrieve data associated with the file reference in accordance with the selected data exchange mode. (The reference teaches "the transcoder 20 may be implemented, for example, as a software module installed in a network proxy, in a client device, in a network server device, or in a content server device. In one particular implementation, illustrated in FIG. 3, transcoder 20 is installed in a remote transcoding server 34 arranged between network client 12 and Internet 18. Transcoding server 34 may comprise, or be a part of, a network server, a stand-alone computer in communication with a network server, or a distributed system of computers. Remote transcoding server 34 may be coupled, for example, to an ISP's network, a corporate network, or anywhere on Internet 18, and may provide multiple users (i.e., clients) with a means to obtain content on Internet 18."(col.3, lines 18-30)

**Referring to claim 2,**

The reference Tso teaches the method of claim 1 further comprising:



Before issuing the request modifying one or more configuration parameters of an Internet browser in accordance with the selected data exchange mode; and (Fig.4, element 40, col.4, lines 29-32)

restoring the one or more configuration parameters of the Internet browser upon processing the request (col.4, lines 29-32, Fig.4, element 40, "default (auto)).

**Referring to claim 3,**

The reference Tso teaches the method of claim 1 wherein said issuing further comprises: modifying the request issued by an Internet browser in accordance with the data exchange mode selected by the user. (col. 6, lines 64-66).

**Referring to claim 6,**

The reference Tso teaches the method of claim 1 wherein the user selection of the data exchange mode affects only the data associated with the file reference. (col. 6, lines 66 to col. 7, line 3).

**Referring to claims 7 and 18,**

The reference Tso teaches the method of claim 1 wherein the selected data exchange mode affects any one of the amount of user-specific information sent with the request, the amount of data sent by the server in response to the request, and the format of data sent by the server in response to the request. (col. 7, lines 15-67 and col. 8, lines 1-9).

**Referring to claim 8,**

The reference Tso teaches the method of claim 1 wherein said issuing further comprises communicating with a network server storing the data associated with

the identified file reference. (Fig. 1, element 10, col. 3, lines 3-7)

**Referring to claims 9 and 10,**

The reference Tso teaches method of claim 1 wherein said issuing further comprises communicating with a proxy, the proxy performing operations comprising:

modifying the request for data when required by the selected data exchange mode, communicating with a network server storing the data associated with the file reference; and modifying data received from the network server when required by the selected data exchange mode. (col.3, lines 17-30) and the method of claim 9 wherein the request for data communicated to the proxy contains an identifier of the selected data exchange mode. (col.3, lines 17-30 and col. 7, lines 15-67 and col. 8, lines 1-9)

**Referring to claims 11 and 12,**

The reference Tso teaches the method of claim 1 wherein said issuing further comprises:

sending a request to retrieve data associated with the file reference to a first server, the request conforming to the selected data exchange mode; (col.3, lines 18-21)

receiving a response from the first server, the response indicating a new location of the data associated with the file reference; and automatically issuing a second request to a second server using the new location, the second request conforming to the selected data exchange mode.(col. 3, lines 21-30, (distributed system of computers), col. 9, lines 29, 33) and the method of claim 1 wherein:

Art Unit: 2154

data associated with the file reference is stored on a plurality of servers; and said issuing further comprises sending a request to each of the plurality of servers, the request conforming to the selected data exchange mode. (col. 12, lines 17-32).

**Referring to claim 13,**

The reference Tso teaches the method of claim 1 wherein said issuing further comprises:

including an identifier of the selected data exchange mode; and sending the request with the identifier of the selected data exchange mode to a first proxy. (col. 7, lines 15-67 and col. 8, lines 1-9, Fig. 5, element 48, col. 13, lines 36-39).

**Referring to claim 14,**

The reference Tso teaches the method of claim 13 further comprising: the first proxy selecting a second proxy as a recipient of the request based on the identifier of the selected data exchange mode and a predefined set of operations performed by the second proxy. (col. 13, lines 39-54).

**Referring to claims 15 and 16,**

The reference Tso teaches the method of claim 13 further comprising: the first proxy taking responsibility for performing a first portion of operations required by the selected data exchange mode; and the first proxy selecting a second proxy for performing a second portion of operations required by the selected data exchange mode and the method of claim 15 further comprising: the first proxy updating the identifier of the data exchange mode with an identifier value

associated with the second portion of operations; and the first proxy sending the request with the updated identifier value to the second proxy. (Fig.5, elements 48 and 36, col. 14, lines 23-32, col. 7, lines 15-67 and col. 8, lines 1-9, Fig. 5, element 48, col. 13, lines 36-39).

**Referring to claim 17,**

The reference Tso teaches a method for retrieving documents in a computer network (Abstract, lines 1-4), the method comprising:

receiving an indication of a data exchange mode chosen by a user for a desired file reference; (Fig.3, elements 12 and 32, col.3, lines 8-17)

determining, based on the data exchange mode, whether data associated with the desired file reference should be retrieved directly from a destination network server storing the data; and (Fig.5, col. 13, lines 36-46)

if the data should be retrieved directly from the destination server, issuing a data request to the destination network server without sending the data request to a proxy; and (The reference teaches "The transcoder 20 may be implemented, for example, as a software module installed in a network proxy, in a client device, in a network server device, or in a content server device. In one particular implementation, illustrated in FIG. 3, transcoder 20 is installed in a remote transcoding server 34 arranged between network client 12 and Internet 18.

Transcoding server 34 may comprise, or be a part of, a network server, a stand-alone computer in communication with a network server, or a distributed system of computers. Remote transcoding server 34 may be coupled, for example, to an ISP's network, a corporate network, or anywhere on Internet 18, and may provide

multiple users (i.e., clients) with a means to obtain content on Internet 18.”(col.3, lines 18-30). Thus the reference teaches that implementation of the transcoder dictates whether the proxy is needed or not, such as in case of it's implementation in a corporate internal network.)

if the data should not be retrieved directly from the destination server, directing a request for data to a proxy for a modification in accordance with the data exchange mode. (Fig.5, col. 13, lines 46-54, col. 15, lines 29-49).

**Referring to claim 19,**

The reference Tso teaches the method of claim 17 wherein the data should not be retrieved directly from the destination server if the data exchange mode requires modifying either the request for data or the data retrieved from the destination server. (Fig.5, col. 13, lines 46-54, col.3, lines 14-18, “parser 22 is responsible for selectively invoking one or more of transcode service providers 24 based upon a predetermined selection criterion.”)

**Referring to claim 20,**

The reference Tso teaches the method of claim 17 further comprising: the proxy sending the request to the destination network server, the request conforming to the data exchange mode; the proxy receiving the data associated with the desired file reference from the destination computer; and the proxy modifying the data when required by the data exchange mode. (Fig. 3, col.3, lines 31-44).

**Referring to claims 21, 22 and 23,**

The reference Tso teaches the method of claim 17 wherein directing the request for data to the proxy further comprises: identifying one of a plurality of proxies as

Art Unit: 2154

a recipient of the request; and sending the request to said one of the plurality of proxies and the method of claim 21 wherein: at least one of the plurality of proxies performs a predefined set of operations; and said identifying is based on the predefined set of operations and the data exchange mode and, the method of claim 17 further comprising: adding additional information to the request sent to at least one of the plurality of proxies, the additional information including an identifier of the data exchange mode. (col. 15, lines 66 and col. 16, lines 1-14).

**Referring to claim 24,**

The reference Tso teaches a system for retrieving documents in a computer network (Abstract, lines 1-4), the system comprising:

a data exchange mode identifier to detect that a user has activated a cursor control device while a cursor is inside a selectable area associated with a file reference; (The reference teaches when user is using a browser, "The embedded instructions transmitted to network client 12 may enable the user to manipulate some of the transcoding capabilities of transcoding server 34. As illustrated in FIG. 4, the embedded instructions may drive a user interface in the form of a pop-up window 40 that is displayed at the top of a browser window 38." (Fig.4, element 40, Fig.3, elements 12 and 32, col.11, lines 4-9).

to display a list of one or more selectable data exchange modes in the vicinity of the cursor, while the cursor control device is activated; and to detect that the user has deactivated the cursor control device after placing the cursor over a data exchange mode selected by the user from the list; and (The reference also teaches "Pop-up window 40 includes a three-state switch 42

having "ON," "OFF" and "AUTO" settings, and may also include a hypertext link 44 which the user may follow to download specialized client software supporting, for example, more sophisticated transcoding functionality (i.e., become "enabled")."(col.11, lines 9-14)

a request t modifier to modify a request to retrieve data associated with the file reference (The reference teaches "the transcoder 20 may be implemented, for example, as a software module installed in a network proxy, in a client device, in a network server device, or in a content server device. In one particular implementation, illustrated in FIG. 3, transcoder 20 is installed in a remote transcoding server 34 arranged between network client 12 and Internet 18. Transcoding server 34 may comprise, or be a part of, a network server, a stand-alone computer in communication with a network server, or a distributed system of computers. Remote transcoding server 34 may be coupled, for example, to an ISP's network, a corporate network, or anywhere on Internet 18, and may provide multiple users (i.e., clients) with a means to obtain content on Internet 18."(col.3, lines 18-30)

**Referring to claims 25 and 27,**

The reference Tso teaches the system of claim 24 wherein determination of the data exchange mode remains valid only for the data associated with the file reference, and is updated after receiving indication of the next document selection by the user. (col.4, lines 29-32, Fig.4, element 40, "default (auto)).

**Referring to claim 26,**

The reference Tso teaches a system for retrieving documents in a computer network, the system comprising:

a data exchange mode identifier to receive an indication of a data exchange mode chosen by a user for a desired file reference; and (Fig. 4, element 40)

a destination coordinator to determine, based on the data exchange mode, whether data associated with the desired file reference should be retrieved directly from a destination network server storing the data, and if the data should be retrieved directly from the destination server, to send a request to the destination network server without sending the data request to a proxy; and (The reference teaches "The transcoder 20 may be implemented, for example, as a software module installed in a network proxy, in a client device, in a network server device, or in a content server device. In one particular implementation, illustrated in FIG. 3, transcoder 20 is installed in a remote transcoding server 34 arranged between network client 12 and Internet 18. Transcoding server 34 may comprise, or be a part of, a network server, a stand-alone computer in communication with a network server, or a distributed system of computers. Remote transcoding server 34 may be coupled, for example, to an ISP's network, a corporate network, or anywhere on Internet 18, and may provide multiple users (i.e., clients) with a means to obtain content on Internet 18." (col.3, lines 18-30). Thus the reference teaches that implementation of the transcoder dictates whether the proxy is needed or not, such as in case of it's implementation in a corporate internal network.)



if the data should not be retrieved directly from the destination server, to direct a request for data to a proxy (Fig.5, elements 48 and 36, col. 13, lines 36-54).

**Referring to claim 28,**

Claim 28 is a claim to computer readable medium that provides instructions, which when executed on a processor, cause said processor to perform operations of the method steps of claim 1. Therefore, claim 28 is rejected for the reasons set forth for the claim 1.

**Referring to claim 29,**

Claim 29 is a claim to computer readable medium that provides instructions, which when executed on a processor, cause said processor to perform operations of the method steps of claim 17. Therefore, claim 29 is rejected for the reasons set forth for the claim 17.

**Referring to claim 30,**

The reference teaches the method of claim 1 wherein: detecting that the user has activated the cursor control device comprising detecting that the user has presses a button of the cursor control device; and detecting that the user has deactivated the cursor control device comprising detecting that the user had released the button of the cursor control device. (The reference teaches when user is using a browser, "The embedded instructions transmitted to network client 12 may enable the user to manipulate some of the transcoding capabilities of transcoding server 34. As illustrated in FIG. 4, the embedded instructions may drive a user interface in the form of a pop-up window 40 that is displayed at the

top of a browser window 38." (Fig.4, element 40, Fig.3, elements 12 and 32, col.11, lines 4-9). The reference also teaches "Pop-up window 40 includes a three-state switch 42 having "ON," "OFF" and "AUTO" settings, and may also include a hypertext link 44 which the user may follow to download specialized client software supporting, for example, more sophisticated transcoding functionality (i.e., become "enabled")."(col.11, lines 9-14). The interface is provided for performing the claimed actions.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (703) 305-2655. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp  
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